

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

RANDALL ALAN WILLIAMS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:15CV137-LG-RHW

KRISTI BOURN et al

DEFENDANTS

**ORDER DENYING MOTION FOR FUNDS and**  
**DENYING MOTION TO STRIKE DEFENDANT'S EXPERT WITNESS**

Before the Court is Plaintiff Randall Alan Williams' motion for the Court to provide funds to obtain a rebuttal expert witness, or in the alternative, to strike Defendants' expert witness. Doc. [95]. According to Plaintiff, Defendants have designated as an expert Mark S. Dunston, Chief of Police for Ocean Springs, Mississippi. Plaintiff requests fund so that he may retain an expert witness on use of force and K-9 officer dog training to rebut Defendants' expert. He argues that Defendants' employment of an expert witness puts him at a disadvantage. He further argues that one of the arresting officers, Agent Foxx, works for the Ocean Springs Police Department and got his supervisor (Dunston) to act as an expert witness. He asserts that this creates a conflict of interest.

The Court finds that Plaintiff's motion should be denied. The Court set a deadline of December 15, 2015, for Plaintiff to designate expert witnesses. Plaintiff served an untimely expert designation on January 5, 2016. The Court struck Plaintiff's expert designation both as untimely and because it failed to comply with the requirements of Fed. R. Civ. P. 26(a)(2). Doc. [72]. Thus, Plaintiff was afforded the opportunity to designate an expert to prove the elements of his case but failed to do so in a timely and procedurally proper manner. Plaintiff now seeks funds to designate a rebuttal expert. Plaintiff is proceeding *in forma pauperis* pursuant to 28

U.S.C. § 1915. Section 1915 makes no provision for the district court to pay expert witness fees. *Hannah v. United States*, 523 F.3d 597, 600 (5<sup>th</sup> Cir. 2008); *Pedraza v. Jones*, 71 F.3d 194, 196 (5<sup>th</sup> Cir. 1995). Thus the Court finds that the request for expert witness funds is denied.

The Court also finds that Plaintiff's motion to strike Defendants' expert should be denied. To the extent that Dunston's testimony may be biased, Plaintiff will have the opportunity to make such an argument before the jury, if this case in fact proceeds to trial. Dunston's alleged bias, or conflict of interest as it is characterized by Plaintiff, is not a sufficient basis for striking an expert witness.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's [95] Motion for Funds and Motion to Strike are DENIED.

SO ORDERED, this the 4th day of April, 2016.

/s/ Robert H. Walker  
ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE